

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SEVENTY-NINTH LEGISLATIVE DAY
TUESDAY, MARCH 31, 2009

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Anderson. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Spencer Powell, Page.

Approval of Journal

March 31, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-eighth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
Boise

March 30, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today to the Secretary of State the following House bill which will be allowed to become law without my signature within the time limited by law:

[H 60](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 30, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1005](#), as amended, [S 1006](#), as amended, [S 1007](#), [S 1017](#), as amended, as amended, [S 1042](#), [S 1066](#), [S 1076](#), [S 1078](#), [S 1106](#), and [S 1117](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1005](#), as amended, [S 1006](#), as amended, [S 1007](#), [S 1017](#), as amended, as amended, [S 1042](#), [S 1066](#), [S 1076](#), [S 1078](#), [S 1106](#), and [S 1117](#) and, when so signed, ordered them returned to the Senate.

March 30, 2009

Mr. Speaker:

I return herewith enrolled [H 185](#) which has been signed by the President.

WOOD, Secretary

Enrolled [H 185](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 30, 2009

Mr. Speaker:

I transmit herewith [SJM 102](#), [SCR 110](#), [S 1154](#), [S 1145](#), and [S 1144](#) which have passed the Senate.

WOOD, Secretary

[SJM 102](#), [SCR 110](#), [S 1154](#), [S 1145](#), and [S 1144](#) were filed for first reading.

March 30, 2009

Mr. Speaker:

I return herewith [HCR 29](#), [HCR 12](#), [HCR 22](#), [H 65](#), as amended, [H 164](#), [H 168](#), and [H 124](#) which have passed the Senate.

WOOD, Secretary

[HCR 29](#), [HCR 12](#), [HCR 22](#), [H 65](#), as amended, [H 164](#), [H 168](#), and [H 124](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 31, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HJM 3](#), [H 169](#), [H 32](#), as amended, [H 38](#), [H 44](#), [H 110](#), [H 111](#), [H 112](#), [H 205](#), [H 206](#), and [H 72](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [HJM 3](#), [H 169](#), [H 32](#), as amended, [H 38](#), [H 44](#), [H 110](#), [H 111](#), [H 112](#), [H 205](#), [H 206](#), and [H 72](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 31, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 14](#), as amended, as amended in the Senate, [H 141](#), as amended in the

Senate, [H 159](#), as amended in the Senate, and [H 217](#), as amended in the Senate.

CLARK, Chairman

[H 14](#), as amended, as amended in the Senate, [H 141](#), as amended in the Senate, [H 159](#), as amended in the Senate, and [H 217](#), as amended in the Senate, were filed for first reading of engrossed bills.

March 30, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 127](#), [H 41](#), [H 75](#), and [H 192](#) to the Governor at 1:30 p.m., as of this date, March 30, 2009.

CLARK, Chairman

March 30, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [SJR 101](#) and recommend that it do pass.

LOERTSCHER, Chairman

[SJR 101](#) was filed for second reading.

March 30, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 267](#) and recommend that it do pass.

WOOD, Chairman

[H 267](#) was filed for second reading.

March 30, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [S 1150](#) and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

[S 1150](#) was placed on General Orders for consideration.

March 31, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 263](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 263](#) was filed for second reading.

March 30, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [S 1146](#) and [S 1158](#) and recommend that they do pass.

BLOCK, Chairman

[S 1146](#) and [S 1158](#) were filed for second reading.

March 31, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1159](#) and recommend that it do pass.

NONINI, Chairman

[S 1159](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE PROCLAMATION NO. 2 BY STATE AFFAIRS COMMITTEE A PROCLAMATION

COMMENDING ARCO, IDAHO, IN ITS CENTENNIAL YEAR.

We, the members of the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby proclaim:

WHEREAS, the City of Arco, nestled at the foot of the Lost River Mountain Range and the edge of the Snake River Plain, and the county seat of Butte County, will be celebrating its 100th birthday on July 3, 4 and 5, 2009, having been incorporated in 1909; and

WHEREAS, the culture and economy of Arco are largely based on farming, ranching and tourism, being the gateway to Craters of the Moon National Monument and Preserve, a vast ocean of lava flows, roughly the size of Rhode Island, with scattered islands of cinder cones and sagebrush; and

WHEREAS, many recreational opportunities abound in proximity to Arco such as fishing, hunting, snowmobiling, hang gliding, cross-country skiing and camping; and

WHEREAS, being only twenty miles from the Idaho National Laboratory, which since 1949 has fulfilled a leadership role and made key contributions in nuclear energy research, development, demonstration and deployment at the direction of the United States government, the City of Arco is also closely tied to the nuclear industry. Arco was the first city in the world to be lit by atomic power on July 17th, 1955, lighting the city for approximately two hours, with the electricity being generated by the Boiling Water Reactor III. The city now celebrates the event annually on the weekend closest to the anniversary date with "Atomic Days"; and

WHEREAS, many activities for all ages are planned for Arco's centennial, including a parade, cook-off, car show, horseshoe competition, and a community breakfast along with the annual Arco Volunteer Fire Department fireworks; and

NOW, THEREFORE, BE IT PROCLAIMED by the members of the House of Representatives assembled in the First Regular Session of the Sixtieth Idaho Legislature, that we congratulate the residents of Arco and commend Arco on its upcoming centennial celebration.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized to send a copy of this Proclamation to the mayor and city council members of the City of Arco.

[HP 2](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SJM 102](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[SCR 110](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 272 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 273 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 274 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING COMMISSIONER SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 275 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE LOTTERY; AMENDING SECTION 67-7434, IDAHO CODE, TO PROVIDE FOR SPECIFIED TRANSFERS OF NET INCOME FROM THE LOTTERY, TO REQUIRE THE LOTTERY TO ENSURE SPECIFIED CONDITIONS, TO PROVIDE FOR A CONTINGENCY, TO PROVIDE FOR ADJUSTMENTS TO CERTAIN TRANSFERS AND TO PROVIDE A SUNSET DATE; AND AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR THE CONSIDERATION OF CERTAIN LOTTERY MONEYS DISTRIBUTED IN CALCULATING AMOUNTS TO BE DISTRIBUTED BY THE TAX COMMISSION AND TO MAKE TECHNICAL CORRECTIONS.

[H 272](#), [H 273](#), [H 274](#), and [H 275](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1154](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Education Committee.

[S 1145](#) and [S 1144](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

First Reading of Engrossed Bills

[H 14](#), as amended, as amended in the Senate, and [H 217](#), as amended in the Senate, by State Affairs Committee, were introduced, read the first time by title, and filed for second reading.

[H 141](#), as amended in the Senate, by Revenue and Taxation Committee, was introduced, read the first time by title, and filed for second reading.

[H 159](#), as amended in the Senate, by Education Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 268](#), by Appropriations Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 31, 2009

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 225](#), [S 1121](#), [H 249](#), [H 131](#), [H 237](#), [H 138](#), [H 135](#), [S 1086](#), [S 1088](#), and [S 1110](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 225

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 9, delete "All day" and insert: "Day"; and also in line 9, following "providers" insert: "operating a group day care facility or a day care center or any day care provider that receives payments under the Idaho child care program".

HOUSE AMENDMENT TO S.B. NO. 1121**AMENDMENT TO SECTION 1**

On page 2 of the printed bill, in line 14, delete "The public charter school commission shall provide notice of the"; and delete lines 15 and 16, and insert:

"In the case of a petition for a public virtual charter school, if the primary attendance area described in the petition of a proposed";

in line 18, following "notice" insert: "in writing"; also in line 18, following "hearing" insert: "no less than thirty (30) days prior to such public hearing"; in line 19, following "districts," delete "The" and insert: "Such the"; in line 22, following "districts," insert:

"In the case of a petition for a non-virtual public charter school submitted to the public charter school commission, the board of the district in which the proposed public charter school will be physically located, shall be notified of the hearing in writing, by the public charter school commission, no less than thirty (30) days prior to the public hearing. Such public hearing shall include any oral or written comments that an authorized representative of the school district in which the proposed public charter school would be physically located may provide regarding the merits of the petition and any potential impacts on the school district. The hearing shall also include any oral or written comments that petitioners may provide regarding any potential impacts on such school district. If the school district chooses not to provide any oral or written comments as provided for in this subsection (2), such school district shall notify the public charter school commission of such decision."; also in lines 22 and 23, delete "Following review of the petition and the public hearing, the" and insert:

"Following review of ~~the~~ any petition and ~~the~~ any public hearing provided for in this section, the".

CORRECTION TO TITLE

On page 1, delete lines 3 and 4, and insert: "CODE, TO PROVIDE FOR NOTICE AND PUBLIC HEARING IN THE CASE OF A PETITION FOR A PUBLIC VIRTUAL CHARTER SCHOOL, TO PROVIDE FOR COMMENTS, TO PROVIDE FOR NOTICE AND PUBLIC HEARING IN THE CASE OF A PETITION FOR A NON-VIRTUAL PUBLIC CHARTER SCHOOL, TO PROVIDE FOR COMMENTS, TO PROVIDE FOR REVIEW OF CERTAIN PETITIONS AND PUBLIC HEARINGS AND TO MAKE A TECHNICAL CORRECTION."

HOUSE AMENDMENT TO H.B. NO. 249**AMENDMENT TO SECTION 1**

On page 1 of the printed bill, delete lines 16 through 18.

HOUSE AMENDMENT TO H.B. NO. 131**AMENDMENT TO THE BILL**

On page 2 of the printed bill, delete lines 5 through 44; delete page 3; and on page 4, delete lines 1 through 12; in line 13, delete "4" and insert: "3"; in line 20, delete "5" and insert: "4"; and on page 6, delete lines 13 through 16 and insert:

"SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

CORRECTIONS TO TITLE

On page 1, delete lines 6 and 7 and insert: "MEDALLIONS; AMENDING SECTION 63-3622PP,"; and delete lines 13 and 14 and insert: "DECLARING AN EMERGENCY."

HOUSE AMENDMENT TO H.B. NO. 237**AMENDMENT TO SECTION 3**

On page 2 of the printed bill, delete lines 34 through 42; and in line 43, delete "4" and insert: "3"; on page 3, in line 1, delete "5" and insert: "4"; and in line 3, delete "6" and insert: "5".

CORRECTION TO TITLE

On page 1, delete lines 6 and 7, and insert: "SECTION 67-6625, IDAHO CODE, TO CORRECT CODE REFERENCES AND TO".

HOUSE AMENDMENT TO H.B. NO. 138**AMENDMENT TO THE BILL**

On page 1 of the printed bill, delete lines 10 through 22, and insert:

"SECTION 1. LEGISLATIVE INTENT. Section 1, Article I, of the Constitution of the State of Idaho provides that "All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety." The Legislature finds and declares that a central component of carrying out Section 1, Article I, of the Constitution of the State of Idaho and of state sovereignty is the inherent right of the state to protect the health, safety and welfare of its citizens and prevent cruelty to animals and wildlife within its borders. In a state such as Idaho, it is a compelling state interest for the state to protect the health, safety and welfare of its citizens and to prevent cruelty to animals and wildlife in Idaho. To that end it is the purpose of this act to provide for the full exercise of all the state's rights and responsibilities to protect the health, safety and welfare of its citizens and to prevent cruelty to animals and wildlife. By enacting this legislation, the Legislature declares that the health, safety and welfare of the state will be benefited thereby.

SECTION 2. That Section 18-3203, Idaho Code, be, and the same is hereby amended to read as follows:

18-3203. OFFERING FALSE OR FORGED INSTRUMENT ~~FOR RECORD~~ OR FALSE TESTIMONY. Every person who knowingly procures or offers any false or forged instrument, notice, report, document or claim to be filed, registered or recorded in any public office within this state, which instrument, notice, report, document or claim if genuine, might be filed, or registered, or recorded under any law of this state, or of the United States, is guilty of a felony or who knowingly presents false, misleading or deceptive testimony before a governmental commission, whether under oath or not, is guilty of a felony.

SECTION 3. That Section 18-7803, Idaho Code, be, and the same is hereby amended to read as follows:

18-7803. DEFINITIONS. As used in this chapter;

(a) "Racketeering" means any act which is chargeable or indictable under the following sections of the Idaho Code or

which are equivalent acts chargeable or indictable as equivalent crimes under the laws of any other jurisdiction:

- (1) Homicide (section 18-4001, Idaho Code);
 - (2) Robbery, burglary, theft, forgery, counterfeiting, and related crimes (sections 18-1401, 18-1405, 18-2403, 18-2407, 18-3123, 18-3124, 18-3125, 18-3601, 18-3602, 18-3603, 18-3605, 18-3606, 18-3607, 18-3609, 18-3610, 18-3614, 18-3615, 18-4630, 18-6501 and 49-518, Idaho Code);
 - (3) Kidnapping (section 18-4501, Idaho Code);
 - (4) Prostitution (sections 18-5601, 18-5602, 18-5603, 18-5604, 18-5605, 18-5606, 18-5608 and 18-5609, Idaho Code);
 - (5) Arson (sections 18-801, 18-802, 18-803, 18-804 and 18-805, Idaho Code);
 - (6) Assault (sections 18-908 and 18-4015, Idaho Code);
 - (7) Lotteries and gambling (sections 18-3801, 18-3802, 18-3809, 18-4902, 18-4903, 18-4904, 18-4905, 18-4906 and 18-4908, Idaho Code);
 - (8) Indecency and obscenity (sections 18-1515, 18-1518, 18-4103, 18-4103A, 18-4104, 18-4105, 18-4105A and 18-4107, Idaho Code);
 - (9) Poisoning (sections 18-4014 and 18-5501, Idaho Code);
 - (10) Fraudulent practices, false pretenses, insurance fraud, financial transaction card crimes and fraud generally (sections 18-2403, 18-2706, 18-3002, 18-3101, 18-3124, 18-3125, 18-3126, 18-3203, 18-6713, 41-293, 41-294 and 41-1306, Idaho Code);
 - (11) Alcoholic beverages (sections 23-602, 23-606, 23-610, 23-703, 23-905, 23-914, 23-928, 23-934 and 23-938, Idaho Code);
 - (12) Cigarette taxes (sections 63-2505 and 63-2512(b), Idaho Code);
 - (13) Securities (sections 30-14-401, 30-14-402, 30-14-403, 30-14-404, 30-14-501, 30-14-502, 30-14-505 and 30-14-506, Idaho Code);
 - (14) Horseracing (section 54-2512, Idaho Code);
 - (15) Interest and usurious practices (sections 28-45-401 and 28-45-402, Idaho Code);
 - (16) Corporations (sections 18-1901, 18-1902, 18-1903, 18-1904, 18-1905, 18-1906 and 30-1510, Idaho Code);
 - (17) Perjury (sections 18-5401 and 18-5410, Idaho Code);
 - (18) Bribery and corrupt influence (sections 18-1352 and 18-1353, Idaho Code);
 - (19) Controlled substances (sections 37-2732(a), (b), (c), (e) and (f), 37-2732B, 37-2734 and 37-2734B, Idaho Code);
 - (20) Motor vehicles (sections 49-228, 49-231, 49-232 and 49-518, Idaho Code);
 - (21) Terrorism (section 18-8103, Idaho Code);
 - (22) Introduction of a dangerous animal (section 25-3906, Idaho Code).
- (b) "Person" means any individual or entity capable of holding a legal or beneficial interest in property;
- (c) "Enterprise" means any sole proprietorship, partnership, corporation, business, labor union, association or other legal entity or any group of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities; and
- (d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one (1) of such incidents occurred after the effective date of this act and that the last of such incidents occurred within five (5) years after a prior incident of racketeering conduct.

SECTION 4. That Chapter 39, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-3906, Idaho Code, and to read as follows:

25-3906. INTRODUCTION OF DANGEROUS ANIMAL. Any person who, with the intention to release, imports a dangerous or vicious animal into the state of Idaho, or intentionally releases that animal into the state of Idaho is guilty of a felony.

As used in this section and in section 6-809, Idaho Code, a "dangerous or vicious animal" is a nondomesticated animal which is known to be a threat to the safety or welfare of persons, livestock, pets or property or which is a member of a species or subspecies which is known to be a threat to the safety and welfare of persons, livestock, pets or property.

SECTION 5. That Chapter 8, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-809, Idaho Code, and to read as follows:

6-809. DEATH OR INJURY TO PERSONS OR PROPERTY BY A DANGEROUS OR VICIOUS ANIMAL. In the event of injury or death to a person, livestock or wildlife, caused by a dangerous or vicious animal, as defined in section 25-3906, Idaho Code, introduced into the state of Idaho, there shall exist a civil cause of action for negligence against any individual who introduced or protected the dangerous or vicious animal by the person harmed or the person's estate or the owner of livestock or pets or by a person suffering an economic loss or otherwise harmed by the dangerous or vicious animal.

For purposes of this section, "individual" shall mean any person performing a primary role in the introduction or protection of the dangerous or vicious animal or a person charged with their management whose negligence facilitates the potential for injury or death or economic losses to occur.

A person performing a primary role is a person who has a duty to protect the life and property of others and whose negligence allows the introduction. A person performing a primary role is also a person who participates in the introduction of a dangerous or vicious animal, or who protects them after their introduction.

"Introduction or protection" does not include a person who prevents hunting or trespassing on land owned or controlled by that person.

The exceptions to governmental liability provisions of chapter 9, title 6, Idaho Code, shall be applicable.

SECTION 6. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

CORRECTION TO TITLE

On page 1, delete lines 2 through 8, and insert: "RELATING TO DANGEROUS OR VICIOUS ANIMALS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 18-3203, IDAHO CODE, TO PROVIDE CRIMINAL PENALTIES FOR FILING FALSE OR FORGED INSTRUMENTS, NOTICES,

REPORTS, DOCUMENTS OR CLAIMS AND TO PROVIDE IT IS UNLAWFUL TO KNOWINGLY PRESENT FALSE, MISLEADING OR DECEPTIVE TESTIMONY BEFORE A GOVERNMENTAL COMMISSION; AMENDING SECTION 18-7803, IDAHO CODE, TO FURTHER DEFINE THE TERM "RACKETEERING"; AMENDING CHAPTER 39, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3906, IDAHO CODE, TO PROHIBIT THE IMPORTATION OF A DANGEROUS OR VICIOUS ANIMAL AND TO PROVIDE PENALTIES; AMENDING CHAPTER 8, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-809, IDAHO CODE, TO PROVIDE FOR NEGLIGENCE ACTIONS AGAINST CERTAIN INDIVIDUALS IN THE EVENT OF INJURY OR DEATH TO A PERSON, LIVESTOCK OR WILDLIFE CAUSED BY A DANGEROUS OR VICIOUS ANIMAL INTRODUCED INTO THE STATE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY."

HOUSE AMENDMENT TO H.B. NO. 135

AMENDMENT TO SECTION 2

On page 2 of the printed bill, in line 16, following "the fund" insert: "as provided for in subsection (2)(b) of this section"; in line 21, following "(60%)" insert: ", with all interest accruing thereon,"; in line 27, following "of" delete "existing state highways that"; delete line 28, and insert: "the state highway system. In no event shall"; and in line 31, delete "implemented" and insert: "made plans for and begun implementation of".

HOUSE AMENDMENT TO S.B. NO. 1086

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 17, delete "Ten" and insert: "Thirteen"; at the beginning of line 18, delete "\$(\$10.00)" and insert: "\$(\$13.00)"; also in line 18, delete "ten dollars (\$10.00)" and insert: "thirteen dollars (\$13.00)"; in line 20, delete "Twenty-five dollars (\$25.00)" and insert: "Twenty-two dollars (\$22.00)"; also in line 20, delete "fifteen" and insert: "twelve"; in line 21, delete "\$(\$15.00)" and insert: "\$(\$12.00)"; in line 34, delete "ten dollars (\$10.00)" and insert: "thirteen dollars (\$13.00)"; in line 35, delete "twenty dollars (\$20.00)" and insert: "seventeen dollars (\$17.00)".

AMENDMENT TO THE BILL

On page 1, following line 5, insert:

"SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old	\$48.00
Vehicles three (3) and four (4) years old	\$36.00
Vehicles five (5) and six (6) years old	\$36.00
Vehicles seven (7) and eight (8) years old	\$24.00
Vehicles over eight (8) years old	\$24.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the

beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twenty-four dollars (\$24.00).

(3) For all motorcycles and motor-driven cycles which comply with the federal motor vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars (\$9.00).

(4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on public lands, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in subsection (2) of section 49-426, Idaho Code.

(5) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(6) Registration fees shall not be subject to refund.

(7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be issued on an annual basis by the department.

(8) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, ~~and~~ 49-420G and 49-420H, Idaho Code,

there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

(89) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized."; on page 1, in line 6, delete "1" and insert: "2"; and on page 1, following line 35, insert:

"SECTION 3. This act shall be in full force and effect on and after January 1, 2010."

CORRECTION TO TITLE

On page 1, in line 2, following "REGISTRATION;" insert: "AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION;"; and in line 4, following "PLATE" insert: "PROGRAM; AND PROVIDING AN EFFECTIVE DATE".

HOUSE AMENDMENT TO S.B. NO. 1088

AMENDMENT TO SECTION 2

On page 3 of the printed bill, in line 11, delete "Ten" and insert: "Thirteen"; at the beginning of line 12, delete "(\$10.00)" and insert: "(\$13.00)"; also in line 12, delete "ten dollars (\$10.00)" and insert: "thirteen dollars (\$13.00)"; in line 14, delete "Twenty-five dollars (\$25.00)" and insert: "Twenty-two dollars (\$22.00)"; also in line 14, delete "fifteen" and insert: "twelve"; in line 15, delete "(\$15.00)" and insert: "(\$12.00)"; in line 28, delete "ten dollars (\$10.00)" and insert: "thirteen dollars (\$13.00)"; in line 29, delete "twenty dollars (\$20.00)" and insert: "seventeen dollars (\$17.00)".

HOUSE AMENDMENT TO S.B. NO. 1110

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 27, delete "boarder" and insert: "border".

We have also under consideration [S 1137](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the reported be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 225](#), as amended, [H 249](#), as amended, [H 131](#), as amended, [H 237](#), as amended, [H 138](#), as amended, and [H 135](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1121](#), as amended in the House, [S 1086](#), as amended in the House, [S 1088](#), as amended in the House, and [S 1110](#), as amended in the House, were filed for first reading.

[S 1137](#) was retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Lake asked unanimous consent that [S 1060](#), as amended, be referred to the Revenue and Taxation Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Wednesday, April 1, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:28 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk